

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In Re: HIGHLAND CAPITAL	§	
MANAGEMENT, L.P.,	§	
Debtor	§	
_____	§	
	§	
JAMES DONDERO, <i>et al.</i> ,	§	
	§	
Appellants,	§	
	§	
v.	§	Civil Action No. 3:21-CV-0879-K
	§	
HON. STACEY G. C. JERNIGAN,	§	
	§	
Appellee.	§	

**ORDER**

The Court dismissed this appeal on February 9, 2022, for lack of jurisdiction. *See* Doc. No. 39. Nevertheless, Appellants James Dondero, Highland Capital Management Fund Advisors, L.P., The Dugaboy Investment Trust, Get Good Trust, and NexPoint Real Estate Partners, LLC. f/k/a HCRE Partners, LLC (collectively “Appellants”) filed a Petition for Writ of Mandamus (the “Petition”) (Doc. No. 41) on April 4, 2023, in this case. Appellants filed the Petition as a result of United States Bankruptcy Judge Stacey G. C. Jernigan’s Memorandum Opinion and Order denying Appellants’ “Amended Renewed Motion to Recuse”, which was issued on March 6, 2023. Pet. at 11. The case before this Court was a direct appeal of Judge Jernigan’s

Order Denying [Appellants'] Motion to Recuse Pursuant to 28 U.S.C. § 455, which was entered on March 23, 2021. *See generally* Am. Notice of Appeal (Doc. No. 1-1); Appellants' Br. (Doc. No. 16). And the Court closed this case on February 9, 2022, dismissing it for lack of jurisdiction. Appellants did not appeal this Court's ruling, nor did they seek any other relief from this Court regarding its dismissal. The Court hereby **UNFILES** the Petition in this case. The Court does not find this Petition in any way to be a continuation of the bankruptcy appeal that was before the Court. If they wish to seek this relief as to Judge Jernigan's March 6, 2023 order, Appellants must initiate a new action. The Clerk is **directed to unfile** Appellants' Petition for Writ of Mandamus (Doc. No. 41).

**SO ORDERED.**

Signed April 5<sup>th</sup>, 2023.



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ED KINKEADE  
UNITED STATES DISTRICT JUDGE